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ADR

E-FILING

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

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11 MANGOSOFT, INC. and)
12 MANGOSOFT CORPORATION)

C03 03089 RS
Civil Action No. C

13 Plaintiffs,)
14 v.)
15 ORACLE CORPORATION, SUN)
16 MICROSYSTEMS, INC., DELL)
17 COMPUTER CORPORATION, and)
ELECTRONIC ARTS INC.)

COMPLAINT FOR PATENT
INFRINGEMENT

DEMAND FOR JURY TRIAL

18 Defendants.)
19)

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21 Plaintiffs, Mangosoft, Inc. and Mangosoft Corporation (together "Mangosoft" or
22 "Plaintiffs"), as and for their Complaint against Defendants Oracle Corporation, Sun
23 Microsystems, Inc., Dell Computer Corporation and Electronic Arts Inc. (collectively
24 "Defendants"), allege as follows:

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COMPLAINT FOR PATENT INFRINGEMENT

JURISDICTION AND VENUE

1. This action arises under the patent laws of the United States, 35 U.S.C. § 271 et seq. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

2. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), (c) and §1400(b).

PARTIES

3. Plaintiff Mangosoft, Inc. is a Nevada corporation having a principal place of business at 12 Pine Street Extension in Nashua, New Hampshire 03060.

4. Plaintiff Mangosoft Corporation is a Delaware corporation having a principal place of business at 12 Pine Street Extension in Nashua, New Hampshire 03060.

12 5. Defendant Oracle Corporation (“Oracle”) is a Delaware corporation
13 having a principal place of business at 500 Oracle Parkway in Redwood Shores,
14 California 94065 and is doing business and committing acts of patent infringement in this
15 judicial district and elsewhere.
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6. Defendant Sun Microsystems, Inc. ("Sun") is a Delaware corporation having a principal place of business at 4150 Network Circle in Santa Clara, California 95054 and is doing business and committing acts of patent infringement in this judicial district and elsewhere.

8. Defendant Electronic Arts Inc. (“EA”) is a Delaware corporation having a principal place of business at 209 Redwood Shores Parkway in Redwood City, California 94065 and is doing business and committing acts of patent infringement in this judicial district and elsewhere.

COUNT I

(Infringement of U.S. Patent No. 6,148,377)

8 9. The allegations of paragraphs 1 – 8 above are incorporated herein by
9 reference.

10 10. This claim is made under the provisions of the patent laws of the United
11 States, 35 U.S.C. § 271 et seq.

11. Mangosoft Corporation, a wholly owned subsidiary of Mangosoft, Inc., is the owner of U.S. Patent No. 6,148,377 ("the '377 patent") that was duly and legally issued on November 14, 2000 and is entitled "Shared Memory Computer Networks".

12. In violation of one or more provisions of 35 U.S.C. § 271, Defendants have infringed, and continue to infringe one or more of the claims of the ‘377 patent by making, using, selling and/or offering for sale, *inter alia*, software, including Oracle 9*i* and 10*i* Real Application Clusters (“RAC”), Sun’s Solaris SPARC/Solaris x86/Linux systems with Oracle RAC, Dell’s Best Practices Configurations featuring Oracle 9*i* RAC, Oracle RAC with Dell/EMC storage, Dell’s use of RAC in its Sales Operational Data Store (ODS) and EA’s The Sims Online in this judicial district and elsewhere.

13. Defendants' acts of infringement are willful.

14. Defendants' acts of infringement have caused reparable and irreparable damage to Plaintiffs and Plaintiffs will continue to suffer damage unless Defendants are enjoined.

COUNT II

(Infringement of U.S. Patent No. 5,918,229)

15. The allegations of paragraphs 1 – 14 above are incorporated herein by reference.

16. This claim is made under the provisions of the patent laws of the United States, 35 U.S.C. § 271 et seq.

17. Mangosoft Corporation, a wholly owned subsidiary of Mangosoft, Inc., is the owner of U.S. Patent No. 5,918,229 ("the '229 patent") that was duly and legally issued on June 29, 1999 and is entitled "Structured Data Storage Using Globally Addressable Memory".

18. In violation of one or more provisions of 35 U.S.C. § 271, Defendants have infringed, and continue to infringe one or more of the claims of the ‘229 patent by making, using, selling and/or offering for sale, *inter alia*, software, including Oracle 9*i* and 10*i* Real Application Clusters (“RAC”), Sun’s Solaris SPARC/Solaris x86/Linux systems with Oracle RAC, Dell’s Best Practices Configurations featuring Oracle 9*i* RAC, Oracle RAC with Dell/EMC storage, Dell’s use of RAC in its Sales Operational Data Store (ODS) and EA’s The Sims Online in this judicial district and elsewhere.

19. Defendants' acts of infringement are willful.

20. Defendants' acts of infringement have caused reparable and irreparable damage to Plaintiffs and Plaintiffs will continue to suffer damage unless Defendants are enjoined.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that the Court:

A. Enter judgment that Defendants have infringed U.S. Patent Nos. 6,148,377

1 and 5,918,229.

2 B. Enter judgment that Defendants' acts of patent infringement are willful;

3 C. Temporarily, preliminarily and permanently enjoin Defendants, their parents,
4 subsidiaries, affiliates, divisions, officers, agents, servants, employees, directors, partners,
5 representatives, and all parties in active concert and/or participation with Defendants, from
6 engaging in the aforesaid unlawful acts of infringement, including but not limited to Oracle
7 and Sun's global consolidation program;

8 D. Order Defendants to account for and pay to Plaintiffs all damages caused to

9 Plaintiffs by Defendants' unlawful acts;

10 E. Award Plaintiffs increased damages and attorney fees pursuant to 35 U.S.C.

11 §§ 284 and 285;

12 F. Award Plaintiffs their interest and costs incurred in this action; and

13 G. Grant Plaintiffs such other and further relief as the Court may deem just

14 and proper.

15 **DEMAND FOR JURY TRIAL**

16 Plaintiffs demand a jury trial of all issues triable of right by jury.

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CERTIFICATION OF INTERESTED ENTITIES OR PERSONS

Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, other than the named parties, there is no such interest to report.

**MANGOSOFT, INC.
-and-
MANGOSOFT CORPORATION**

Dated: July 2, 2003

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